Message

From: Seneca, Roy [Seneca.Roy@epa.gov]
Sent: 2/10/2016 4:26:37 PM
To: Garvin, Shawn [garvin.shawn@epa.gov]; Ryan, Daniel [Ryan.Daniel@epa.gov]; Rodrigues, Cecil [rodrigues.cecil@epa.gov]; Searfoss, Renee [searfoss.renee@epa.gov]; Martinsen, Jessica [Martinsen.Jessica@epa.gov]; D'Andrea, Michael [DANDREA.MICHAEL@EPA.GOV]; White, Terri-A [White.Terri-A@epa.gov]; schafer, joan [schafer.joan@epa.gov]; Seneca, Roy [Seneca.Roy@epa.gov]; Sternberg, David [Sternberg.David@epa.gov]; Smith, Bonnie [smith.bonnie@epa.gov]; Miller, Linda [miller.linda@epa.gov]; Colip, Matthew [colip.matthew@epa.gov]; Brown, Kinshasa [Brown.Kinshasa@epa.gov]; Ferrell, Mark [Ferrell.Mark@epa.gov]; Hamilton, Brian [Hamilton.Brian@epa.gov]; Tate, Rita [Tate.Rita@epa.gov]; Zirilli, Alysa [Suero.Alysa@epa.gov]; graves, john [graves.john@epa.gov]
Subject: Headlines Highlights for RA's Tablet - WEDNESDAY, February 10, 2016

Headlines Highlights for RA's Tablet -
WEDNESDAY, February 10, 2016

New York Times

Supreme Court Deals Blow to Obama's Efforts to Regulate Coal Emissions

By ADAM LIPTAK and CORAL DAVENPORTFEB. 9, 2016

WASHINGTON — In a major setback for President Obama's climate change agenda, the Supreme Court on Tuesday temporarily blocked the administration's effort to combat global warming by regulating emissions from coal-fired power plants.

The brief order was not the last word on the case, which is most likely to return to the Supreme Court after an appeals court considers an expedited challenge from 29 states and dozens of corporations and industry groups.

But the Supreme Court's willingness to issue a stay while the case proceeds was an early hint that the program could face a skeptical reception from the justices.

The 5-to-4 vote, with the court's four liberal members dissenting, was unprecedented — the Supreme Court had never before granted a request to halt a regulation before review by a federal appeals court.

"It's a stunning development," Jody Freeman, a Harvard law professor and former environmental legal counsel to the Obama administration, said in an email. She added that "the order certainly indicates a high degree of initial judicial skepticism from five justices on the court," and that the ruling would raise serious questions from nations that signed on to the landmark Paris climate change pact in December.

In negotiating that deal, which requires every country to enact policies to lower emissions, Mr. Obama pointed to the power plant rule as evidence that the United States would take ambitious action, and that other countries should follow.

The White House said in a statement that it disagreed with the court's decision and remained confident that it would ultimately prevail. "The administration will continue to take aggressive steps to make forward progress to reduce carbon emissions," it said.

Opponents of Mr. Obama's climate policy called the court's action historic.

"We are thrilled that the Supreme Court realized the rule's immediate impact and froze its implementation, protecting workers and saving countless dollars as our fight against its legality continues," said Patrick Morrisey, the attorney general of West Virginia, which has led the 29-state legal challenge.

"There's a lot of people who are celebrating," said Jeff Holmstead, a lawyer with Bracewell & Giuliani, a firm representing energy companies, which are party to the lawsuit. "It sends a pretty strong signal that ultimately it's pretty likely to be invalidated."

The challenged regulation, which was issued last summer by the Environmental Protection Agency, requires states to make major cuts to greenhouse gas pollution created by electric power plants, the nation's largest source of such emissions. The plan could transform the nation's electricity system, cutting emissions from existing power plants by a third by 2030, from a 2005 baseline, by closing hundreds of heavily polluting coal-fired plants and increasing production of wind and solar power.

"Climate change is the most significant environmental challenge of our day, and it is already affecting national public health, welfare and the environment," Solicitor General Donald B. Verrilli Jr. wrote in a brief urging the Supreme Court to reject a request for a stay while the case moves forward.

The regulation calls for states to submit compliance plans by September, though they may seek a two-year extension. The first deadline for power plants to reduce their emissions is in 2022, with full compliance not required until 2030.

The states challenging the regulation, led mostly by Republicans and many with economies that rely on coal mining or coal-fired power, sued to stop what they called "the most far-reaching and burdensome rule the E.P.A. has ever forced onto the states."

A three-judge panel of the United States Court of Appeals for the District of Columbia Circuit in January unanimously refused to grant a stay.

The court did expedite the case and will hear arguments on June 2, which is fast by the standards of complex litigation.

The states urged the Supreme Court to take immediate action to block what they called a "power grab" under which "the federal environmental regulator seeks to reorganize the energy grids in nearly every state in the nation." Though the first emission reduction obligations do not take effect until 2022, the states said they had already started to spend money and shift resources.

Eighteen states, mostly led by Democrats, opposed the request for a stay, saying they were "continuing to experience climate-change harms firsthand — including increased flooding, more severe storms, wildfires and droughts." Those harms are "lasting and irreversible," they said, and "any stay that results in further delay in emissions reductions would compound the harms."

In a second filing seeking a stay, coal companies and trade associations represented by Laurence H. Tribe, a law professor at Harvard, said the court should act to stop a “targeted attack on the coal industry” that will “artificially eliminate buyers of coal, forcing the coal industry to curtail production, idle operations, lay off workers and close mines.”

The E.P.A., represented by Mr. Verrilli, called the requests for a stay “extraordinary and unprecedented.” The states challenging the administration’s plan, he said, could point to no case in which the Supreme Court had “granted a stay of a generally applicable regulation pending initial judicial review in the court of appeals.” In a later brief, the states conceded that point.

Mr. Verrilli said judicial review of the plan, including by the Supreme Court, will be complete before the first deadline for emissions reductions in 2022.

“There is no reason to suppose that states’ duties under the rule will be especially onerous,” Mr. Verrilli wrote. “A state can elect not to prepare a plan at all, but instead may allow E.P.A. to develop and implement a federal plan for sources in that state.”

The two sides differed about whether current declines in coal mining and coal-fired power generation are attributable to the administration’s plan. “Some of the nation’s largest coal companies have declared bankruptcy, due in no small part to the rule,” a group of utilities told the justices.

A coalition of environmental groups and companies that produce and rely on wind and solar power said other factors were to blame for coal’s decline.

“These changes include the abundant supply of relatively inexpensive natural gas, the increasing cost-competitiveness of electricity from renewable generation sources such as solar and wind power, the deployment of low-cost energy efficiency and other demand-side measures, and increasing consumer demand for advanced energy,” they wrote.

Annapolis Capital-Gazette

Editorial: State can keep environmental progress going

After years of bad news, there's a perception that every report on the health of the Chesapeake Bay brings fresh tidings of environmental doom. But the "Bay Barometer" released last week by the Chesapeake Bay Program provides modest grounds for optimism. And we're optimistic — particularly with the noisy side issue of stormwater fee mandates out of the way — that Gov. Larry Hogan and the General Assembly can keep things moving in the right direction this year.

The Chesapeake Bay Program estimated that from 2014 to 2015 the number of female blue crabs in the bay increased 47 percent, to 101 million — well short of the target of 215 million that would mean a sustainable population, but still a move in the right direction. Shad abundance in main bay tributaries has been going up slowly but steadily, and more than 2 billion oysters have been planted in Maryland's Harris Creek, in the first phase of one of the largest oyster restoration projects in the world.

Between 2010 and 2014, 86 public access sites were opened throughout the watershed, 20 of them in Maryland. And computer simulations, the report said, show that pollution controls put in place in the watershed from 2009 to 2014 have cut nitrogen pollution by 6 percent, phosphorus pollution by 18 percent and sediment pollution by 4 percent.

Another report released last week, from the Center for Progressive Reform, praised Maryland for investing in wastewater treatment plant upgrades but said this "cannot compensate for a lack of progress in other sectors, such as agriculture, stormwater and septic systems" — particularly if the state is going to meet the federal mandate known as the Total Maximum Daily Load, but more often referred to as "the pollution diet."

All this will be up for discussion in this General Assembly session, in which legislators, as we reported Monday, have a bushel basket of environmental legislation to sort through. In particular, we expect much debate — a classic environmentalist versus agriculture clash — over the Poultry Litter Management Act, which would require poultry companies to take more responsibility for the disposal of waste from their contractors.

Meanwhile Hogan, in his State of the State address, made a point of touting the recent compromise on phosphorus regulations and mentioning that he is putting $53 million into the Chesapeake Bay and Atlantic Coastal Bays Trust Fund. He noted that for "the first time in state history … funding dedicated specifically for restoration of the Chesapeake Bay is not being diverted to the general fund."

These decisions reflect the huge commitment the state has already made to cleaning up the bay in particular and protecting the environment in general. We're hopeful this session will produce more progress on this front.

State Impact Pennsylvania

Philadelphia's green jobs plan long on goals, short on details

By Katie Colaneri
February 9, 2016 | 10:58 AM

Back in January, on Inauguration Day, Philadelphia City Council President Darrell Clarke vowed to announce a "comprehensive energy strategy" he said would create "more than 10,000 new jobs."

On Monday, Clarke made good on his promise during a press conference at City Hall, flanked by Philadelphia Mayor Jim Kenney, city council members, members of the Philadelphia Energy Authority and the CEOs of two local utilities.

Clarke's proposal calls for investing $1 billion in public and private money in energy efficiency projects in city-owned buildings, public schools, low-income homes and apartments, and small businesses. He claims the project, called the Philadelphia Energy Campaign, would create up to 10,000 new "green jobs" over 10 years and result in $200 million per year in savings once all projects are completed.

While Clarke's plan is long on goals, it's short on details.

How it's supposed to work

Here's how these projects typically work: The city makes a deal with an energy services company or ESCO, which conducts an audit to figure out how much the city's buildings can save energy, doing things such as replacing old boilers with new, more efficient ones. The ESCO pays for the new boiler upfront and charges the city a monthly fee for this, or other upgrades. The contract guarantees that over time, the monthly payments to the ESCO for that upgrade is less than what the city would have paid in utility bills if it had done nothing. The ESCO benefits by charging the city a mark-up for materials and labor.

Clarke wants to do this in all of Philadelphia's recreation centers, libraries, police stations, firehouses and public school buildings. These kinds of energy efficiency projects have a proven track record in what's called the "MUSH sector" — municipalities, universities, schools and hospitals. In Philadelphia, a project to retrofit four government buildings — including City Hall — is saving $400,000 more on energy bills each year than it's paying to service the bonds that financed it, said Chris Lewis, chair of the Philadelphia Energy Authority.

These projects can be financed in different ways, typically through a municipal bond or through a private lender. Some ESCOs provide financing, but that's uncommon.

The guaranteed energy savings gives the city confidence it can pay off its debt, but those guarantees are based on a stringent set of requirements, said Christina Simeone, policy director at the Kleinman Center for Energy Policy at the University of Pennsylvania. Those requirements can include heating the building to the same temperature during specific operating hours. If those operating hours change, that could blow up the guarantee in the contract. Simeone said that puts pressure on the building's facilities managers who are often in charge of making sure the terms of the contract are being met.

"There are opportunities to make adjustments, but a successful performance contract is one in which the customer is very educated and very savvy and very diligent," she said. "These contacts are complex. They're implemented over a long time frame."

Applying a complex model to new sectors

Clarke wants to expand this model to include 25,000 low-income homes and apartments, as well as 2,500 restaurants and neighborhood grocery stores.

Adding homes and restaurants is an ambitious goal.

The ESCO business model doesn't typically pay off for home- or business-owners, unless they're going to be there for the entire length of the contract, which can last as long as 10 or 20 years.

"In the MUSH sector, these are institutional buildings… where the owner is going to be there for the term of that contract," said Simeone. "For small businesses, [the] residential sector, there's very few people who tend to be in their homes for over 10 years, very few business leases that go that 10-year distance."

So finding ESCOs willing to invest in say, a new, more efficient boiler for a home or restaurant, could be much more of a challenge than for a public library that will always be owned by the city.

The Philadelphia Energy Authority, which is coordinating the project, has not figured out how this part of the plan will work, but according to a report released by PEA, that is where much of the $1 billion will be spent, including ways to incentivize low-income homeowners and small business-owners to prioritize spending money on energy-saving measures.

"That's one of many things that make applying this kind of a model to this non-traditional sector a challenge," said Emily Schapira, a PEA board member who works for an energy services company, Aelux LLC.

"Yes there are challenges; none of them are insurmountable," she added.

'The devil is in the details'

The project will be rolled out over 10 years, starting with city-owned buildings and public school properties.

As for the 10,000 jobs, Schapira said 3,000 will come in the "implementation phase" and 7,000 in the "savings phase." Each phase includes people employed directly by the project, including those who would, for example, install a new boiler or new windows. Their 10,000 jobs number also includes "indirect jobs" generated by the supply chain, as well as "induced jobs" created by income spent by those gaining money as a result. However, Schapira said PEA cannot estimate the number of direct jobs until the authority knows "the exact scope of the projects."

Tim Kelsey, an economist at Penn State University, said the job estimates may be a little high, but not unreasonable.

"One of the main purposes of this is basically the energy savings within the community," Kelsey said. "It does save school districts, homeowners money. In many ways, that's probably more important than the job creation elements."

Another question is how the project will be financed and how much city money will be spent.

On that front, Clarke did not have an answer yet.

"The devil is in the details and we are currently working with the devil to get the details of some of those programs," he said. "I mean, seriously, in government, people expect us to recognize the challenges and the need and we're supposed to come up with a solution and if we don't do it, it won't happen."

PEA expects to release an implementation for the project in six months.

State Impact Pennsylvania

Wolf proposes 6.5 percent tax on Marcellus Shale

By Susan Phillips
February 9, 2016

Governor Wolf wants the state's natural gas drillers to pay a 6.5 percent tax on Marcellus Shale production, which he estimates will bring in $217.8 million dollars for fiscal year 2016/2017 to the general fund. It's a bold move for a governor who failed to get anywhere last year with the lower 5 percent extraction tax proposal.

In his budget address, Wolf focused on the current stalled budget process and did not even mention taxing natural gas drillers, or discuss any details about his proposed budget. He struck a defiant tone toward Republicans who may continue to oppose any tax hikes.

"Indeed anyone in this Chamber who claims we can simply cut our way out of this mess without also increasing revenue is just ignoring the math," said Wolf.

But industry leaders say Wolf is ignoring market realities. Production has tanked across the state as the price of natural gas reaches new lows. An indication of just how much drilling has slowed in the state is revealed by the $217.8 million revenue expected from the 6.5 percent tax during the initial fiscal year. That's roughly what the state has taken in each year through the per-well impact fee currently levied on drillers. And it's much lower than Wolf's initial 2015 budget proposal, which projected $1 billion in revenue from the five percent severance tax proposal.

House Majority Leader Dave Reed, R-Indiana, says the revenues from a 6.5 percent tax won't come close to balancing the budget.

"The bottom line is it doesn't bring in any money because natural gas prices are at record lows," Reed told reporters after the budget address. "We went from a situation last year where the governor proposed a billion dollar severance tax to fund education,… by the end of last year even he admitted his severance tax proposal [would have] only brought in $50 million dollars."

Pennsylvania now charges a per-well "impact fee" on natural gas drillers, which has been reduced this year because of low gas prices. In the past the impact fee raised an average of $225 million a year, most of which went to local communities impacted by drilling. In this proposal, impact fee funds for gas drilling areas would remain intact, but instead of a per-well fee the money would come out of the 6.5 percent tax. That revenue is estimated at $133.1 million, and is in addition to the $217.8 million expected for the general fund. Total projected revenue generated from a 6.5 percent shale gas tax would be $350.9 million for FY 2016/2017. These estimates jump each year, reaching $507 million for the general fund by 2020/21.

Erica Clayton Wright, spokeswoman for the Marcellus Shale Coalition, an industry group, says it's the worst possible time to consider taxing the industry.

"We already are seeing significant reductions in capital expenditures and job losses," said Wright. "This is not the time to add additional taxes."

Wright says the natural gas tax will hurt average Pennsylvanians.

Pennsylvania remains the only state not to impose an extraction tax on natural gas. Wolf's proposal would have drillers start start paying the levy July 1.

Greenwire

EPA: Budget makes climate top priority 'cover to cover'

By Amanda Reilly and Sean Reilly, E&E reporters
February 9, 2016

The Obama administration's final budget request places a top priority on climate change and seeks to boost clean energy programs across federal agencies, including U.S. EPA.

A photo of Alaska's Denali mountain adorns the printed version of the document. President Obama visited the famed site last year to promote action to address climate change.

On Twitter this morning, the White House Office of Management and Budget said the president's commitment to action against a warming world was "evident throughout his budget, cover to cover."

Among the administration's climate-related requests in the fiscal 2017 budget: a new 10-year fund at EPA to help build up climate infrastructure and money for a U.N. fund to help developing nations address climate change.

EPA would receive a total $8.267 billion in discretionary funding, an increase from current enacted levels but a decrease from the $8.6 billion that the Obama administration requested for the agency last year. EPA is currently operating under an $8.1 billion budget provided by Congress last year in its omnibus spending bill.

Obama's spending blueprint asked for a modest increase in funding for the agency's core regulatory programs but would cut state and tribal assistance grants.

Last week, the administration unveiled proposals to levy a $10-per-barrel tax on U.S. oil to provide $32 billion a year for clean vehicle development, public transit and urban planning. Obama is also seeking to double clean energy research spending over the next five years (*E&E Daily*, Feb. 8).

Many of the requests in the budget are unlikely to receive support from congressional Republicans. GOP members have already slammed the oil tax as dead on arrival.

Still, observers say the president may be trying to exert his influence on the next president, whether Republican or Democrat, and to show the international community that the United States would keep up its part of the recent Paris climate change deal.

Paul Bledsoe, a former climate official in the Clinton administration, said the holistic approach Obama's budget request takes on climate may also signal that he's willing to bargain with Republicans.

"I think actually the very emphasis that the administration is putting on climate protection in the budget may indicate that they will compromise with Republicans on other things to get some of their priorities," Bledsoe said.

Climate funding

Overall, EPA's budget would provide about $2.85 billion for agency environmental programs and management in fiscal 2017, an increase of more than $200 million compared with the $2.6 billion lawmakers approved for this year.

The blueprint would give EPA a total of $479 million for Clean Air Act and climate change regulatory activities, up about 8 percent from the current $442 million level. The administration proposed similar boosts last year. Congress instead left funding largely flat.

Within the budget, $235 million would support "EPA efforts to address climate change through commonsense standards, guidelines and voluntary programs."

The budget would provide $25 million for states to implement the Clean Power Plan, EPA's program for reducing carbon dioxide emissions from existing power plants.

The request renews similar proposals from fiscal 2015 and 2016 to give states more Clean Air Act grant money to help them implement the program, the centerpiece of the Obama administration's climate agenda.

"The EPA will work closely with states as they develop strategies to reduce carbon pollution from the U.S. power sector," the administration budget documents said.

EPA said it would also work this year to identify air quality benefits associated with climate mitigation to better shape domestic climate policies.

The agency will continue to seek both regulatory and nonregulatory programs to reduce greenhouse gases, including through voluntary methane reduction programs, the administration said.

The Obama administration today also proposed a new climate infrastructure fund for retrofitting, replacing and repowering diesel equipment, with a focus on upgrading school buses. The fleet of existing cars, truck and buses is "contributing to climate change and putting our children's health at risk," EPA's budget summary says.

Obama wants Congress to give the fund $1.65 billion over the next 10 years in mandatory government funding, keeping it separate from EPA's proposed discretionary budget.

As part of the fund, EPA would provide up to $300 million in fiscal 2017 to the Diesel Emissions Reduction Act program, which is set to expire this year and typically enjoys bipartisan support in Congress.

At the same time, however, EPA is proposing to fund the traditional discretionary DERA program at $10 million in fiscal 2017, a reduction from its current funding levels of $50 million.

The president proposed funding to help the United States meet its pledges to the international community. In the runup to the Paris climate talks last year, the administration promised $3 billion over four years to the Green Climate Fund, a U.N. fund to help poor countries address climate change.

The president's budget request proposes to put $750 million toward the GCF in fiscal 2017, an increase over the administration's request of $500 million last fiscal year. Of the fiscal 2017 request, $500 million would come from the State Department's spending allocation and the rest from the Treasury Department.

The full amount is included in a larger request for $1.3 billion for the Global Climate Change Initiative.

GCF spending "will not only help preserve stability and security in fragile regions that are of strategic importance to the United States," the administration said, "but will also open these regions to U.S. businesses and investment."

The funding to help developing nations will likely be a tough ask from Congress, where Republican critics have vowed to use the power of the purse to slow the international agreement to limit warming.

But Democrats last December were successful in warding off GOP riders that would have explicitly prohibited Obama from providing funding to GCF (*Greenwire*, Dec. 16, 2015).

Other climate provisions are scattered throughout the budget request. They include $100 million for NASA to develop low-carbon aircraft and $311 million for the National Flood Insurance Program mapping efforts to help communities prepare for flood risks from climate change.

Obama last year visited Alaska to promote action to address climate change, and the request includes several items that will help carry out promises that the president made during that trip, including increased investments in the Denali Commission.

Air and water

Along with greenhouse gas reduction activities, EPA funding would go toward the agency's continuing development and implementation of national ambient air quality standards and the regional haze program.

Domestically and internationally, EPA plans to focus on ensuring that "ozone-depleting substance production and import caps," both under the Clean Air Act and Montreal Protocol, "continue to be met."

Possibly in response to the ongoing drinking water lead contamination in Flint, Mich., EPA is also proposing to help communities "address environmental concerns and to take advantage of advances in technology to detect pollution in their air and water," an agency fact sheet says. As part of that effort, the agency plans to fund "circuit riders" to furnish "direct community outreach and technical assistance," it adds.

The budget would trim state and tribal assistance grants from about $3.5 billion to $3.3 billion. In the fact sheet, however, the White House highlighted a plan to increase state categorical grants by some $77 million; it also touted efforts to improve coordination and joint planning in how grant money is spent.

The budget draft includes increases in funding for programs to clean up contaminated areas. It would provide about $1.1 billion through the Hazardous Substance Superfund account, almost a 4 percent increase over this year's level. In spending that money, the administration would -- among other goals -- prioritize sustainable development and community cleanups.

In another proposal recycled from last year, the administration seeks to zero out funding for EPA's water quality program for beaches. Lawmakers instead appropriated $10 million for this year.

Under the new budget, EPA would set aside close to $2 billion for Clean Water and Drinking Water state revolving funds, money that is passed on to states for water infrastructure projects.

The president's proposal requests $1.02 billion for loans to repair drinking water infrastructure, a $166 million cut from last year's $1.186 billion request.

This is still more than Congress' $863 million appropriation for fiscal 2016. The Flint crisis and renewed attention to crumbling water infrastructure is likely responsible for the bump.

The Clean Water SRF, which funds wastewater systems, would get $979.5 million under the proposed budget, a 12 percent drop from the $1.116 billion the administration asked for last year and only three-quarters of what Congress set aside in the fiscal 2016 omnibus.

Though wastewater systems are typically more expensive than drinking water systems, this is the second year in a row the president has asked for more money to go into the tap water program.

Lawmakers expressed outrage last week when news broke of the cut to the Clean Water SRFs. Sen. Ben Cardin (D-Md.) called it a "dangerous game" to play with needed funds (*E&E Daily*, Feb. 9).

The budget requests would also make $15 million available for loans under the Water Infrastructure Finance and Innovation Act, a pilot loan program created under the 2014 water resources law. The administration proposed $42 million for technical assistance to states, roughly level with its $50 million request last year.

For the third year in a row, the Obama administration made cuts to the Great Lakes Restoration Initiative, proposing $250 million. This is level to the fiscal 2016 request and $50 million under what was agreed to in Congress last year.

Pittsburgh Post-Gazette

CMU project would measure Mon Valley air pollution

By Don Hopey
February 10, 2016

Thirty-five years after the Allegheny County Health Department recognized a need for more detailed information about emissions and pollution dispersal patterns in the Mon Valley from U.S. Steel Corp.'s Clairton Coke Works, it may finally get it.

At the request of the health department, researchers at Carnegie Mellon University's department of mechanical engineering have proposed a three-year, $717,246 project that promises to better measure, map and model the complex valley wind and weather patterns and how they affect movement of emissions from the county's biggest pollution source.

Jayme Graham, manager of the health department's air program, told the department's Air Pollution Control Advisory Committee on Monday that she was hired in 1981 to develop such a computer modeling program, but the technology wasn't available then. Several attempts since have been unsuccessful.

"Our interest is in developing a model to better represent the complexities of the Mon Valley," Ms. Graham said. "We'll use it to refute or confirm the findings of our current modeling. We think that's important when we're asking [U.S. Steel] for $50 million or $100 million in [pollution] controls."

The Pittsburgh-based steelmaker has spent $1.2 billion to upgrade its coke works in Clairton and reduce emissions but since 2012 has recorded more than 6,500 operational violations. Because of the coke plant's emissions, Clairton and Liberty are in "non-attainment" of federal health-based limits for sulfur dioxide and fine airborne particulates, known as PM2.5.

Ms. Graham said the proposal needs the approval of the county Board of Health and will be on the agenda for its meeting March 2. The advisory committee, on a 4-4 vote with an abstention, did not recommend approval.

Coleen Davis, U.S. Steel's representative on the committee, questioned the cost of CMU's proposal, and said its three-year development time frame means it couldn't be used to develop the county's next State Implementation Plan. Federal regulations require county and state agencies to develop "SIPs" to reduce pollutants in non-attainment areas

"The technical concerns should be vetted with the technical committee before this moves forward," said Ms. Davis, who chairs that committee.

Satbir Singh, leader of the CMU research team, said the new model would provide much better and more detailed information about the Mon Valley's complex terrain and wind patterns than the one now used.

Money for the CMU project would be drawn from the county's Clean Air Fund, which contains about $10 million in fine money for air pollution violations.

Lititz Daily News

Lead Level of 428 ppb in Lititz Home Omitted from Water Quality Report

By Lynn Rebuck • 2 hours ago

LITITZ, PA–The result of a tap water test in Lititz Borough that far exceeded federal limits for levels of lead in tap water was omitted from a 2012 Annual Drinking Water Quality Report by Severn Trent Environmental Services, Inc. sent to residents of the borough, according to documents provided by the borough to LititzDailyNews.com yesterday under the Right-to-Know Law.

The report, which features the results of lead testing in tap water in Lititz Borough during 2010 and is supposed to notify residents if any borough water samples exceeded the Action Level of 15 parts per billion, made no mention of the test result for a Front Street home where lead in tap water was discovered at 428 parts per billion, more than 28 times the amount allowed by federal law.

The majority of homes in Flint, Michigan with elevated levels of lead tested around 150 ppb of lead in December, more than 10 times the federal limit.

The extremely high level of lead was not published in the **2012 Annual Drinking Water Quality Report, which states that** ***"In 2010, no samples exceeded the action level. There was 100% compliance with the lead limits.***" The sample that exceeded the Action Level of 15 ppb was collected on August 12, 2010, according to the results report provided yesterday by Lititz Borough manager Sue Barry in response to a RTKL request. The omission of the test result from the 2012 ADWQR may be a violation of state and federal law.

The test result for tap water from 228 Front Street was reported to the state and should have been reported to residents in annual drinking water quality reports for three consecutive through 2012–until results of the 2013 tests were published. The 428 ppb lead level was also omitted from the range of levels reported on the 2012 ADWQR. The home does not appear to have been tested again by Severn Trent in 2013. LititzDailyNews.com is in the process of obtaining the two other water quality reports and additional documents regarding water quality in the borough.

"We don't think there is a concern," said Barry in an interview today, while acknowledging that lead pipes connect Lititz residents to the borough water supply. Still, residents have questions about the levels of lead in their

"If they're concerned, they can get their own water tested," said Barry, who does not live in the borough. "It's not coming from the source." Lead at the source of drinking water is rarely an issue, but the quality of the water can contribute to corrosion of lead pipes, releasing the toxic metal into the water. The pH can impact corrosivity of water, and water systems treat to reduce corrosion.

"We don't think there is a concern."-Sue Barry, Lititz Borough Manager, on water quality in Lititz Borough.

"If my tap had a tested lead level of 428 parts per billion, I'd be very concerned," said Bob Wendlegass, President and CEO of Clean Water Action, a national organization that works to protect the environment, health, economic well-being and community quality of life. "That's a terribly high number and I wouldn't want to expose my family to it, and I don't think anybody would want to expose their family to it.

Barry, who managed the borough 2010, said this afternoon that she referred questions over the high lead level in 2010 and its omission from the 2012 ADWQR to Mike Wolgemuth, project manager for Severn Trent, today. Wolgemuth was not available to comment by phone this afternoon, according to a woman who answered the phone at the Lititz office of Severn Trent but refused to identify herself before hanging up.

LititzDailyNews.com has also contacted press representatives for Pennsylvania Department of Environmental Protection and the US DEP Region 3 office, who have yet to respond regarding the omission of the high level from the annual report and oversight issues.

In response to a question of whether a child in Pennsylvania was at greater risk for lead exposure than a child in Flint during a call with media on Friday, Pennsylvania Department of Health Secretary Karen Murphy replied that "The issue here is not contamination of the water." Murphy emphasized that lead-based paint in older homes presents a greater hazard to children.

"The most positive thing you can do is to prevent lead from getting into children," said Dr. Janet Currie, a professor of Economics at and Policy Affairs at Princeton University who has studied the connection between educational achievement and lead contamination in Rhode Island, where 80% of all children are tested for lead levels in their blood. "Once you have lead in your brain, you can't get it out again. It's a permanent problem," said Currie.

Currie believes changes could be made which will have a positive impact on lead issues affecting children, including those who deal with lead in their drinking water.

"The whole thing in Flint just revealed the problem with lead pipes, so maybe more aggressive testing of water and more help for people who are affected–things like filters for the water or bottled water–until they can get some other solution," said Currie. "It's not rocket science. We know what to do, we just don't always do it."

Most of the lead levels in water reported for Lititz Borough in 2010 were low, but the EPA states that there is no safe level of lead in drinking water. Regulations established by the EPA and Pennsylvania Department of Environmental Protection require Lititz Borough to collect 20 tap water samples from the homes at highest risk for contamination with lead and copper every three years.

It was unclear from the documents provided to LititzDailyNews.com yesterday whether the borough tested homes at highest risk in Lititz Borough. Water providers are required to submit identification of samples according to the three-tier system mandated by the EPA to ensure that the limited number of samples is reflective of the risk in the community. The tier classifications were not evident on the documents received.

Water providers are required to report the 90th percentile level of the samples collected, a practice that allows them to notify residents of a calculation that is not connected with safety or health outcomes while omitting 10 percent of samples that tested higher. The 90th percentile value for Lititz Borough water was 7 ppb in 2010. Providers are still required to inform residents in the ADWQR of the number of samples found to be over the Action Level. The 2012 ADRQR report shows a range of lead levels for 2007-2010 from <3 to 9.8 ppb. The 428 ppb was omitted from the report.

In 2013, Lititz Borough Water and Severn Trent reported the 90th percentile level in borough water at 5 ppb. The 2014 ADWQR on the borough website states that no levels exceeded the action level during 2013. No sample testing from 228 Front Street was reported in the 2013 results provided under the Right-to-Know Law request.

According to lead and copper monitoring guidelines for water providers published in 2002, once a water system begins monitoring, it must "use the same sites unless a site is no longer accessible" or "no longer fits the requirements of a priority site (e.g. lead service lines that served the site have been replaced). No service line replacement were made, according to the homeowner, who hopes to take part in the 2016 lead testing by the borough.

RELATED STORY:

The borough is due to test for lead and copper in tap water samples between June 1 and September 30, considered to be the time period when lead levels are usually at their highest.

Homes considered to be at high risk for lead contamination in water are those that have lead pipes, lead service lines, or copper pipes with lead solder. Other homes with different plumbing materials may also be at risk, as may businesses and apartment buildings.

For more information, or to ask questions about your water service, residents may attend the monthly Lititz Borough Council meetings held on the fourth Tuesday of every month. The next meeting will take place on Tuesday, February 23, at 7 p.m. in the Borough Council Chambers, 7 S. Broad St., Lititz. The meeting is free and open to the public. For more information, call (717)626-2044.

If you wish to have your water tested, **one lab in Lancaster County is certified to test for lead**.
The cost is only $30. Read more about it **here**.

Roy Seneca
EPA Region 3 Press Officer
Office Communications and Government Relations
seneca.roy@epa.gov
(215) 814-5567